

REMARKS

In a final Office Action mailed November 27, 2006, claims 1-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over May in view of Takeda. Applicant respectfully traverses and requests reconsideration.

As an initial matter, Applicant notes that claim 15 has been amended above to correct a typographical error. Applicant respectfully asserts that claim 15 is in suitable condition for allowance.

Applicant reasserts the relevant arguments made in response to previous Office Actions and respectfully submits that May in view of Takeda does not teach or suggest all of the limitations of the instant claims. Applicant further notes that the arguments made in the response dated June 26, 2006 (hereinafter “the June ‘06 response”) regarding dependent claims 2, 10, 11 and 12-15 have not been addressed in the instant Office Action. Examiner’s attention is directed to M.P.E.P. § 707.07(f) stating that “[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant’s argument and answer the substance of it.” Contrary to this instruction, the instant final Office Action is devoid of any response to the arguments previously presented with regard to claims 2, 10, 11 and 12-15, save for the exact same basis for rejecting these claims as provided in the Office Action mailed March 27, 2006. As such, Applicant respectfully requests indication of allowability of these claims or, at the very least, withdrawal of the finality of the instant rejection such that the Applicant’s arguments may be more fully answered.

As to claim 1, Applicant respectfully reasserts the remarks (made in the June ‘06 response) that May, contrary to the assertions otherwise, fails to teach both cells and icons within a matrix, which deficiency is not remedied by the application of Takeda. The following chart summarizes Applicant’s arguments regarding the respective teachings of the instant application

and May (note that all citations herein to the instant application are with reference to the published version):

<u>Claim 1 Limitation</u>	<u>Instant Specification Description</u>	<u>Closest teaching of May</u>
matrix	“Information about the database is displayed in a matrix form presented to the user in at least one matrix area on the display.” (para. 0004, 3rd sent.)	“user-configured matrix” (abstract; FIG. 1E)
cells	“The matrix preferably includes a number of cells. . . . Within each cell is displayed one or more icons, such as a small square, dot or other symbol, corresponding to an element of information in the database.” (para. 0004, 4th & 6th sent.; FIGs. 3 & 4)	No teaching or suggestion.
icon	“Within each cell is displayed one or more icons, such as a small square, dot or other symbol, corresponding to an element of information in the database.” (para. 0004, 6th sent.; FIGs. 3 & 4)	“cells” (col. 5, lines 31-35; col. 6, lines 25-30)
row headings	“The matrix also includes row headings and column headings, the row headings preferably indicating, for example, sources and the column headings preferably indicating, for example, the subject matter.” (para. 0004, 5th sent.; FIGs. 3 & 4)	No teaching or suggestion. See the rejection of claim 1: “May does not explicitly [teach] the use [of] matrix displaying row headings and column heading and each icon corresponding to an element in the database.”
column headings	“The matrix also includes row headings and column headings, the row headings preferably indicating, for example, sources and the column headings preferably indicating, for example, the subject matter.” (para. 0004, 5th sent.; FIGs. 3 & 4)	No teaching or suggestion. See the rejection of claim 1: “May does not explicitly [teach] the use [of] matrix displaying row headings and column heading and each icon corresponding to an element in the database.”

The instant Office Action has cited FIGs. 1A-1E of May and the attendant “cells” numbered 1-12 as teaching the claimed cells of the instant invention. Additionally, the text that appears in various “cells” of May (i.e., “specials; money; news; reference”) has been cited as teaching the claimed icons. Applicant respectfully notes that May’s cited text elements are

merely textual indicators that do not correspond to database content, whereas the presently claimed icons are user-selectable, correspond to database content, and are the functional elements through which that content is accessed (paragraph [0004], sixth sentence). In contrast, May's "cells" are user-selectable and used to navigate through and access the database content. Thus, May's "cells" have function closest to the claimed icons of the instant invention, not the text in these cells. Because May's "cells" have function closest to the icons of the instant invention, May fails to teach anything that corresponds to the cells in the instant invention. The cells in the instant invention are elements within the matrix that encompass the icons. For May to teach any such element, it would have to teach something (other than the matrix itself) that contains May's "cells." Accordingly, at best, May teaches the display of a matrix and a plurality of icons (in the sense of the instant invention) corresponding to elements in a database, despite the fact that May refers to such icons as "cells." Therefore, because May fails to teach the claimed cells, May does not teach all of the limitations of claim 1.

However, in addition to the fact that May's "cells" are closer in function to the icons of the instant invention than they are to the cells, Applicant respectfully notes that these "cells" are not, in fact, equivalent to the claimed icons. In the instant invention, *each icon* corresponds directly to an element of information in the database (paragraph [0004], sixth sentence). May's "cells," however, *do not* all correspond directly to elements of information in May's database. Each of May's "cells" may be one of four types: first, "record cells" are associated with, and provide direct access to, an individual record in the database (the same function performed by the icons of the present invention). Another type of cell, a "code cell," executes code that may retrieve selected cells or parts of a database, operate a software application, and so on. Any given code cell could conceivably be used to access one specific element of information in the

database if it caused the execution of an appropriate software routine. Even granting, for the sake of argument, that all code cells did just that, and thus had the same function as the instant icons, the remaining types of “cells” in May do not have the same function: (iii) “parser cells” are each associated with, and provide direct access to, an additional matrix in the hierarchy of matrices representing May’s database; they do not provide access to any individual elements of information in May’s database; and (iv) “search cells” are used to access search matrices that allow the user to search the entire database, and thus also fail to provide access to any individual element of information in May’s database. Accordingly, May fails to teach icons in a matrix, each of which corresponds to an element in the database.

In addition to the clear shortcomings of May as noted above, Applicant respectfully disputes the assertion that, while May does not teach the claimed row headings and column headings of the matrix, Takeda remedies this deficiency through the teaching of a “matrix arrangement like a spiral view string” (Takeda: col. 7, lines 40-54; FIG. 5). While the separate views in Takeda are arranged in matrix-like form, there is no teaching or even suggestion anywhere in Takeda of the use of row headings and column headings. Indeed, the lack of row headings and column headings is not surprising given that Takeda only uses a matrix arrangement as a convenient means to display multiple views (col. 7, lines 41-45 refers to “a method for allocating views”), and not for an interface for accessing information in a database.

Applicant has noted the assertion that, because Takeda simply discloses a matrix arrangement with rows and columns, “this implication provides that the matrix includes row and column headings.” Applicant interprets this “implication” as an assertion of an inherent teaching of row and column headings in Takeda. However, as noted in M.P.E.P. §2112, that a certain characteristic may be present in the prior art is not sufficient to establish the inherency of that

characteristic. (emphasis in original) Indeed, that same section goes on to state that there must be “a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” (emphasis in original) With regard to the instant rejection of claim 1, Applicants respectfully submit that no such basis in fact and/or technical reasoning has been supplied and that, in fact, a teaching of row and column headings does not necessarily flow from the teachings of Takeda. Applicant respectfully submits that, while Takeda provides a system for superimposing data to provide a better representation of analysis results, this fact is not suggestive of row and column headings and, more generally, unrelated to database applications.

For all of these reasons, Applicant respectfully submits that May in view of Takeda fails to teach or suggest the claimed cells, the specific functionality of the claimed icons, and a matrix with the claimed row headings and column headings. As a result, the combination of May in view of Takeda fails to establish prima facie obviousness of claim 1, which claim is therefore in suitable condition for allowance.

In the remarks below, Applicant reasserts and restates the presently unanswered arguments set forth in the June '06 response.

While being dependent on allowable base claim 1, claims 2-9 and 16-18 also add novel and non-obvious subject matter. For example, regarding claim 2, the Office Action again asserts that May teaches the limitation “wherein the row headings identify sources from which the elements are obtained and the column headings identify subject matter to which the elements relate.” This assertion continues to be upheld *despite the Office Action’s simultaneous admission* (as per claim 1) *that May does not teach row headings and column headings*. Applicant respectfully submits that in keeping with this admission, it is impossible for May to teach any

limitation regarding what such headings correspond to. Further, in view of the above remarks with regard to Takeda, Applicant respectfully submits that Takeda likewise does not teach this limitation. Accordingly, Applicant respectfully submits that prima facie obviousness of claim 2 has not been established, and that claim 2 is therefore in suitable condition for allowance.

Regarding independent claim 10, Applicant respectfully submits that because this claim is directed to a computer-readable medium for executing the method of claim 1, it is also in suitable condition for allowance for the reasons presented above with regard to claim 1. Furthermore, claim 11 is dependent on claim 10 and adds additional novel and non-obvious subject matter; namely, the inclusion in the computer-readable medium of instructions corresponding to the limitations of claim 4. As such, Applicant respectfully submits that claim 11 is also in suitable condition for allowance.

Regarding claims 12-15, the Office Action again asserts that these claims are directed to a computer-readable medium for executing the method of claims 1-9 and 16-18. Once again, Applicant respectfully submits that this characterization is incorrect. Claims 12 and 13 are directed to a system that generates computer executable instructions, not to a computer-readable medium. As further noted in the June '06 response, these claims are believed to be in suitable condition for allowance at least because neither May nor Takeda teaches a system that generates computer executable instructions and that comprises any of: a translator configured to combine textual excerpts into a library file, a computer configured to combine source code and the library file into a single executable file, or a content editor coupled to a database of textual excerpts.

Claim 14 is directed to a method of generating an executable computer file, as opposed to a computer-readable medium as asserted in the previous and current Office Action. May does not teach creating an element library containing a plurality of database elements having a

common format, nor does May teach creating source code for a user interface that permits a user to view the database elements. By extension, May also fails to teach compiling such an element library and source code to create an executable computer file. Takeda is also silent as to these limitations. Accordingly, Applicant respectfully submits that claim 14 is in suitable condition for allowance.


Claim 15, while being directed to a computer-readable medium, is not directed to a computer-readable medium for executing the method of claims 1-9 and 16-18 as asserted by the Office Action. Because claim 15 is directed to a computer-readable medium containing a computer executable file created by the method of claim 14, Applicant respectfully submits that claim 15 is also in suitable condition for allowance.

Further regarding claims 12-15, Applicant respectfully reasserts the remarks made in the previous response that because the rejection of claims 12-15 under the same rationale as the rejection of claims 1-9 and 16-18 is improper, no basis for the rejection of claims 12-15 has been given. “A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.” (M.P.E.P. § 707.07(d)) Should Examiner persist in rejecting claims 12-15, Applicant respectfully submits that any such future Office Action should not be made final as it would be premature to the extent that Applicant will not have had an opportunity to consider a proper basis for the rejection of claims 12-15. (See M.P.E.P. § 706.07)

Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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